

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

KEVIN HASLAM
301 Esser Avenue, Lower Right
Buffalo, New York 14207, and

PATRICK HASLAM
20 Harding Avenue
Kenmore, New York 14217,

Plaintiffs,

v.

SUMMONS

Index No.:

THE DIOCESE OF BUFFALO, NEW YORK
795 Main Street
Buffalo, New York 14203, and

OUR LADY OF HOPE PARISH, f/k/a
ANNUNCIATION ROMAN CATHOLIC
CHURCH AND SCHOOL
18 Greenwood Place
Buffalo, New York 14213,

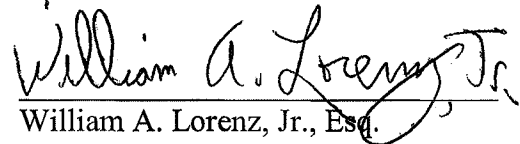
Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, and to serve a copy of your Answer or, if the Complaint is not served with a Summons, to serve a Notice of Appearance, on Plaintiff's attorney within **twenty** (20) days after the service of this Summons, exclusive of the day of service, or within **thirty** (30) days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

This action is brought in ERIE COUNTY based upon Plaintiff's residence and the location of the incident.

DATED: June 24, 2019
Amherst, New York



William A. Lorenz, Jr., Esq.

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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

KEVIN HASLAM and PATRICK HASLAM,

Plaintiffs,

VERIFIED COMPLAINT

Index No.:

v.

THE DIOCESE OF BUFFALO, NEW YORK and
OUR LADY OF HOPE PARISH, f/k/a
ANNUNCIATION ROMAN CATHOLIC
CHURCH AND SCHOOL,

Defendants.

Plaintiffs KEVIN HASLAM ("Kevin") and PATRICK HASLAM ("Patrick"), by and through their attorneys, HOGANWILLIG, PLLC, as and for their Verified Complaint against Defendants THE DIOCESE OF BUFFALO, NEW YORK ("Diocese") and OUR LADY OF HOPE PARISH, f/k/a ANNUNCIATION ROMAN CATHOLIC CHURCH AND SCHOOL ("Annunciation") herein, allege as follows:

1. At all times hereinafter mentioned, Plaintiff Kevin was and still is a resident of the City of Buffalo, County of Erie, and State of New York.
2. At all times hereinafter mentioned, Plaintiff Patrick was and still is a resident of the City of Buffalo, County of Erie, and State of New York.
3. Plaintiffs are brothers and share the same birth date.
4. Upon information and belief, and at all times hereinafter mentioned, Defendant Diocese was and is a Roman Catholic diocese headquartered in Buffalo, New York, with its principal place of business located at 795 Main Street, Buffalo, New York.

5. Upon information and belief, Defendant Annunciation was a Roman Catholic church and school that became Our Lady of Hope Parish in or about 2009, with its principal place of business located at 18 Greenwood Place, Buffalo, New York 14213.

6. Upon information and belief, and at all relevant times hereinafter mentioned, Defendant Diocese operated churches and schools including, during the relevant times herein, Defendant Annunciation.

FACTS COMMON TO ALL CLAIMS

7. Upon information and belief, during the times relevant to the allegations set forth herein, Reverend William F. White III ("Father White") was a priest at Defendant Annunciation.

8. Upon information and belief, during the times relevant to the allegations set forth herein, Father White was under the direct supervision, employ, and/or control of Defendant Annunciation and Defendant Diocese.

9. Upon information and belief, Father White's assignments included Our Lady of Loretto in Buffalo (1977-1978); Blessed Trinity in Buffalo (1979-1981); Defendant Annunciation (1982-1985); Queen of Heaven in West Seneca (1986-1987); St. Louis in Buffalo (1988-1993); and "Absent on leave" in 1994.

10. Upon information and belief, Father White died in 2016.

11. On March 20, 2018, Defendant Diocese included Father White on its list of priests who "were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor."

12. Through his positions at, within, or for the Defendants, Father White was put in direct contact with Plaintiffs, who were altar boys at Defendant Annunciation, beginning in the early 1980s.

13. From approximately 1982 through 1992, Plaintiffs were the victims of sexual harassment, sexual abuse, and violence by or at the direction of Father White, and with the acquiescence, approval, participation, and implied permission of Defendants Diocese and Defendant Annunciation.

14. Upon information and belief, Father White's sexual abuse began when Plaintiffs were both approximately ten years old.

15. Upon information and belief, Father White always abused both Plaintiffs at the same time.

16. Upon information and belief, some of the incidents experienced by Plaintiffs over a period of close to ten (10) years included, but are not limited to, the following:

- a. Starting in 1982, Father White began grooming Plaintiffs to earn their trust with money and promises to help them get out of trouble with their parents.
- b. Father White then began taking Plaintiffs out of class at Defendant Annunciation and to the Rectory to abuse them.
- c. Father White would make Plaintiffs get naked in front of him, and make Plaintiffs spank each other.
- d. Beginning in 1984, when Plaintiffs were 12 years old, Father White would pick up Plaintiffs and take them to Father White's parents' house in South Buffalo or to a retreat in West Valley to abuse them further.
- e. On numerous occasions, Father White sodomized both Plaintiffs with a candle.
- f. On numerous occasions, Father White beat both Plaintiffs with a belt.

- g. On numerous occasions, Father White would make Plaintiffs beat each other with a belt.
- h. On numerous occasions, Father White would give full body shaves to both Plaintiffs.
- i. Beginning in or about 1987, Father White began raping both Plaintiffs.
- j. Beginning in or about 1987, Father White began making Plaintiffs rape each other while Father White watched.
- k. On numerous occasions, Father White would come to Plaintiffs' parents' house and abuse them while Plaintiffs' parents were not home.
- l. On numerous occasions, Father White would pay Plaintiffs to keep quiet about the abuse.
- m. On numerous occasions, Father White would provide Plaintiffs with drugs and alcohol both before and after abusing them.

17. Upon information and belief, Plaintiffs' mother reported the abuse to Defendant Diocese in or about 1993, after Father White called Plaintiffs' home looking for them.

18. Upon information and belief, Defendant Diocese suspended Father White from priestly functions in 1993 as a direct result of Plaintiff's mother's reporting of the abuse her sons had endured.

19. Upon information and belief, prior to Plaintiffs' mother reporting Father White to Defendant Diocese in 1993, Defendant Diocese was made aware of other complaints about Father White dating back to 1979.

20. Upon information and belief, Defendant Diocese was made aware of the following allegations against Father White prior to 1993:

- a. In 1979, Florian Skomski, a former Buffalo Homicide detective, warned Defendant Diocese that he suspected Father White had advised a baby killer, Stanley Zamiela, to make a false police report to cover up the slaying.
- b. In 1979, Florian Skomski, a former Buffalo Homicide detective, warned Defendant Diocese that Father White been sexually abusing teenagers at a juvenile detention home.
- c. In 1987, Defendant Diocese was made aware of Father White's strange behavior with two teenage boys on the night of their father's wake in West Seneca.

21. Despite having multiple allegations against Father White brought to their attention, Defendant Diocese allowed Father White to remain a practicing priest until 1993.

22. Upon information and belief, Father White had four different assignments from Defendant Diocese since 1979.

23. Venue is proper based on the locations of the incidents and place of business of Defendants, as well as Plaintiffs' current residences.

24. This action is brought pursuant to CPLR § 214-G, as added by the New York Child Victims Act, which has revived claims of child sexual abuse for a period of one year beginning on August 14, 2019, six months after the effective date of the section (February 14, 2019). This action is timely commenced.

FACTS SPECIFIC TO PLAINTIFF KEVIN HASLAM

25. From approximately January 1993 to September 1998, Defendant Diocese paid counseling fees and expenses for Plaintiff Kevin.

26. On or about September 12, 1998, Plaintiff Kevin signed an Agreement and General Release with Defendant Diocese ("Kevin's Release"), wherein Defendant Diocese agreed to pay additional counseling fees in exchange for Plaintiff Kevin's execution of a general release of Defendant Diocese.

27. Kevin's Release was signed at a time when Plaintiff Kevin was not of sound mind and under the influence of alcohol and drugs, the result of years of mental and physical abuse by Father White.

28. Kevin's Release was signed at a time when Plaintiff Kevin had no legal recourse against Defendant Diocese, as the statute of limitations for Kevin to bring a claim for child sexual abuse had already expired in September 1998.

FACTS SPECIFIC TO PLAINTIFF PATRICK HASLAM

29. Prior to 2006, Defendant Diocese provided funds to Plaintiff Patrick for counseling fees and expenses.

30. On or about April 27, 2006, Plaintiff Patrick signed an Agreement and General Release with Defendant Diocese ("Patrick's Release"), wherein Defendant Diocese agreed to pay additional "pastoral assistance" in exchange for Plaintiff Patrick's execution of a general release of Defendant Diocese.

31. Patrick's Release was signed at a time when Plaintiff Patrick was not represented by counsel and not of sound mind and under the influence of alcohol and drugs, the result of years of mental and physical abuse by Father White.

32. Patrick's Release was signed at a time when Plaintiff Patrick had no legal recourse against Defendant Diocese, as the statute of limitations for Patrick to bring a claim for child sexual abuse had already expired in April 2006.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANTS: NEGLIGENCE

33. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "32" as though more fully set forth herein.

34. Defendants were educators who had physical custody of Plaintiffs during the school day, during school activities, and for sanctioned activities such as alter serving; and owed Plaintiffs a duty of care.

35. Defendants were *in loco parentis* and owed Plaintiffs a duty of care.

36. Defendants breached their duty of care owed to Plaintiffs when they allowed Plaintiffs to be in contact with Father White.

37. Defendants knew or should have known of the sexual abuse, sexual harassment and violence occurring at Defendant Annunciation and breached their duty owed to Plaintiffs when they failed to report the sexual abuse, sexual harassment, and violence occurring at Defendant Annunciation and failed to remove Father White.

38. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

39. As a result of Defendants' breach, Plaintiffs have incurred and will incur medical costs to treat their past, present, and future psychological suffering as a result of being victims of sexual abuse, sexual harassment, and violence at Defendant Annunciation.

40. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST DEFENDANTS:
FAILURE TO REPORT**

41. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "40" as though more fully set forth herein.

{H2223727.1}

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HOGANWILLIG

Attorneys at Law

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42. Defendant Annunciation, through its agents, servants, and employees, were Mandated Reporters under New York Social Services Law.

43. Defendants, through the inaction of its agents, servants, and employees, failed to timely and properly respond to the repeated complaints and/or requests to address the issue of sexual abuse, sexual harassment and violence at Defendant Annunciation by students, teachers and school officials.

44. Plaintiffs and other students, teachers, and school officials complained to Defendants specifically about Father White's harassment and abuse.

45. Plaintiffs would be taken out of their classes by Father White despite begging not to go. Plaintiffs' teachers allowed Father White to repeatedly remove Plaintiffs from their classes.

46. Defendants, through their agents, servants, and employees, had reasonable cause to suspect that Plaintiffs were being abused and/or maltreated by Father White.

47. Defendants, through their agents, servants, and employees, knowingly and willfully failed to report the suspected child abuse or maltreatment to anyone, including the police or Child Protective Services.

48. Defendants did not provide their employees with written information on reporting requirements.

49. Defendants failed to follow the policies of required reporting including, but not limited to, the policies listed in the Code of Conduct for Priests, Deacons, Pastoral Ministers, Administrators, Staff and Volunteers, as well as New York Consolidated Laws, Social Services Law - SOS § 413.

50. Defendants are liable for the failure to report pursuant to New York Consolidated Laws, Social Services Law - SOS § 420.

51. The knowing and willful failure of Defendants, through the inaction of their agents, servants, and employees, to report the child abuse and maltreatment of Plaintiffs was a proximate cause of Plaintiffs' damages.

52. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST DEFENDANTS:
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

53. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "52" as though more fully set forth herein.

54. During the time period of approximately 1982 to 1992, Defendants allowed Father White unrestricted access to Plaintiffs and willfully and/or intentionally ignored complaints against Father White of sexual abuse, sexual harassment, and violence.

55. During the time period referenced above, Defendants willfully and/or intentionally ignored Plaintiffs' safety by requiring Plaintiffs to leave class to meet with Father White despite complaints against Father White of sexual abuse, sexual harassment, and violence.

56. Defendants were deliberately indifferent to the risk of sexual harassment and violence posed to Plaintiffs by being alone with Father White.

57. Defendants willfully and/or intentionally created a hostile and unsafe religious and school environment that no child would be able to tolerate.

58. Defendants in order to avoid embarrassment, scandal, and negative publicity, intended to cause Plaintiffs shame, humiliation, and extreme emotional distress so she would stay silent, and not report the abuse.

59. Defendants behaved in a manner toward Plaintiffs that was so outrageous as to exceed all reasonable bounds of decency.

60. Defendants knew with substantial certainty or should have known that their behavior would cause Plaintiffs to be victims of sexual abuse, sexual harassment, and violence.

61. Defendants knew with substantial certainty or should have known that their behavior would cause severe emotional distress to Plaintiffs.

62. The foregoing acts of Defendants caused Plaintiffs physical, mental and emotional distress.

63. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION AGAINST DEFENDANTS:
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

64. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "63" as though more fully set forth herein.

65. Defendants were negligent for failing to address prior complaints against Father White of sexual harassment, sexual abuse, and violence, and negligently ignored complaints and concerns from both Plaintiffs and other students and faculty.

66. Defendants were negligent when they allowed Plaintiffs to continue to be exposed to Father White after being provided with allegations of sexual harassment, sexual abuse, and violence committed by Father White.

67. Defendants knew or should have known this inaction would subject Plaintiffs to further sexual harassment, sexual abuse, and violence, and knew or should have known this would unreasonably endanger Plaintiffs' safety, cause them to fear for their safety, and cause them severe emotional distress.

68. Defendants owed a duty to Plaintiffs to protect them from sexual harassment, sexual abuse, and violence from Father White, including but not limited to when at Defendant Annunciation.

69. Defendants breached the duty owed to Plaintiffs to protect them from sexual abuse, sexual harassment, and violence from Father White, including but not limited to when at Defendant Annunciation.

70. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

71. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION AGAINST DEFENDANTS: NEGLIGENT
HIRING**

72. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "71" as though more fully set forth herein.

73. Defendants owed Plaintiffs a duty of care to supervise and protect Plaintiffs.

74. Defendants were obligated to Plaintiffs to hire and/or assign personnel, including priests such as Father White, to ensure that the school and religious environment at Defendant Annunciation was a safe environment for all children.

75. Defendants knew or should have known at the time of Father White's assignment to Defendant Annunciation of his propensity for the conduct which caused the injury.

76. Plaintiffs were victims of sexual abuse, sexual harassment, and violence by or at the direction of Father White.

77. Defendants breached their duty of care to Plaintiffs when they negligently hired Father White.

78. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

79. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION AGAINST DEFENDANTS:
NEGLIGENT SUPERVISION AND RETENTION

80. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "79" as though more fully set forth herein.

81. Defendants owed Plaintiffs a duty of care to supervise and protect Plaintiffs.

82. Defendants were obligated to Plaintiffs to supervise the personnel at Defendant Annunciation to ensure that the school and religious environment at Defendant Annunciation was a reasonably safe environment for all children.

83. Plaintiffs were victims of sexual abuse, sexual harassment, and violence by or at the direction of Father White.

84. Defendants had knowledge of the sexual abuse, sexual harassment, and violence by or at the direction of Father White and negligently ignored the reports of the sexual abuse, sexual harassment, and violence by or at the direction of Father White until 1993.

85. Defendants did not terminate the employment or suspend the religious duties of Father White despite reports concerning the sexual abuse, sexual harassment and violence committed by Father White.

86. Defendants breached their duty of care to Plaintiffs when they negligently supervised and retained Father White.

87. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

88. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A SEVENTH CAUSE OF ACTION AGAINST DEFENDANTS:
VIOLATION OF TITLE IX OF THE EDUCATION AMENDMENTS OF 1972**

89. Plaintiff repeats, reiterates, and realleges each and every allegation contained in paragraphs "1" through "88" as though more fully set forth herein.

90. Title IX of the Education Amendment of 1972 forbids a "funding recipient" from discriminating on the basis of sex in educational programs and activities.

91. Upon information and belief, Defendant Annunciation was a "funding recipient" under Title IX for the relevant time period.

92. Father White inappropriately touched Plaintiffs and exposed Plaintiffs to provocative acts, in violation of Title IX.

93. Father White's verbal and physical conduct of a sexual nature was severe or pervasive enough to alter the conditions of Plaintiff's educational environment and created an abusive educational environment.

94. Upon information and belief, allegations of sexual harassment and sexual abuse by Father White was reported to Defendants.

95. Defendants had the authority and duty to institute corrective measures on behalf of Defendant Annunciation.

96. Defendants acted with deliberate indifference in failing to respond to the reports of sexual harassment and sexual abuse being perpetrated by Father White.

97. The deliberate indifference of Defendants, and the sexual harassment and sexual abuse committed by Father White, effectively barred Plaintiffs access to various educational

opportunities and benefits at Defendant Annunciation and subjected Plaintiffs to discrimination on the basis of sex in violation of Title IX.

98. Plaintiffs suffered severe emotional and mental suffering and distress due to Defendants' actions, as well as fear for their own physical safety.

99. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

100. Plaintiffs also seek attorneys' fees under Title IX.

AS AND FOR AN EIGHTH CAUSE OF ACTION AGAINST DEFENDANTS:
PUNITIVE DAMAGES

101. Plaintiffs repeat, reiterate, and reallege each and every allegation contained in paragraphs "1" through "100" as though more fully set forth herein.

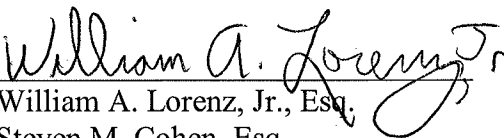
102. Defendants' knowledge of the violence, sexual harassment, and/or misconduct against Plaintiffs at Defendant Annunciation by or at the direction of Father White is tantamount to a wanton and conscious disregard for the safety of Plaintiffs and others, and warrants the imposition of punitive damages.

103. By reason of the malicious, intentional, willful, and/or negligent conduct of Defendants herein, and by such other acts that were morally reprehensible, Defendants' conduct evidenced a callous disregard for the safety of Plaintiffs, and said acts constituted a wanton, reckless and/or malicious disregard for the rights of others and, as a result thereof, Plaintiffs demand punitive damages.

104. By reason of the foregoing, Plaintiffs have been damaged in an amount exceeding the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, Plaintiffs demand judgment against Defendants in an amount which exceeds the jurisdictional limits of all other courts which might otherwise have jurisdiction, and for such other and further relief to Plaintiffs as this Court deems just and proper.

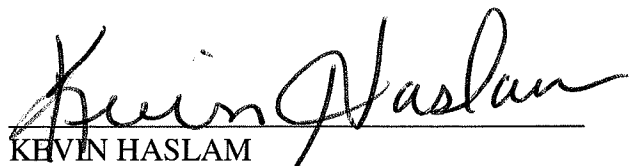
DATED: June 24, 2019
Amherst, New York


William A. Lorenz, Jr., Esq.
Steven M. Cohen, Esq.
Scott Michael Duquin, Esq.
HoganWillig, PLLC
Attorneys for Plaintiffs
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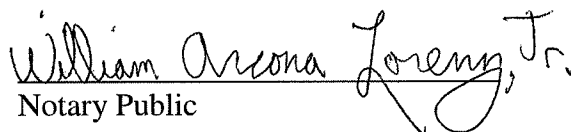
VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
)

KEVIN HASLAM, being duly sworn, deposes and says that: I am the Plaintiff herein; I have read the annexed Complaint and know the contents thereof, and the contents are true to my knowledge, except those matters alleged upon information and belief, and as to those matters, I believe them to be true:


KEVIN HASLAM

Sworn to before me this 12th day of
July, 2019


Notary Public

William Arcona Lorenz Jr
Notary Public, State of New York
Qualified in Erie County
Lic. # 02LO6285770
Commission Expires July 15, 2021

VERIFICATION

STATE OF NEW YORK)
COUNTY OF ERIE) ss:
)

PATRICK HASLAM, being duly sworn, deposes and says that: I am the Plaintiff herein; I have read the annexed Complaint and know the contents thereof, and the contents are true to my knowledge, except those matters alleged upon information and belief, and as to those matters, I believe them to be true:


PATRICK HASLAM

Sworn to before me this 24th day of
JUNE, 2019


Notary Public

William Arcona Lorenz Jr
Notary Public, State of New York
Qualified in Erie County
Lic. # 02LO6285770
Commission Expires July 15, 2021